

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAIRN ENERGY PLC and CAIRN UK
HOLDINGS LIMITED,

Plaintiffs,

-against-

AIR INDIA, LTD,

Defendant.

Case No. 21-cv-04375

**STIPULATION AND
~~PROPOSED~~ ORDER**

WHEREAS, Plaintiffs personally served the Complaint in the above-captioned action [Dkt. No. 1, 12] on Defendant on May 17, 2021;

WHEREAS, the original date by which Defendant must answer, move, or otherwise respond to the Complaint is July 16, 2021;

WHEREAS, Defendant requested that Plaintiffs consent to an extension of time to answer, move, or otherwise respond to the Complaint based on its representation that such request is necessitated by the current COVID situation in India and the resulting difficulties that Defendant's counsel has had in communicating with Defendant;

WHEREAS, Plaintiffs wish to accommodate Defendants' request, but have expressed concern that Defendant will take steps to frustrate the enforcement of any judgment that may be rendered against it in this action, including by divesting itself of moveable property, during the pendency of this action;

WHEREAS, the undersigned counsel for Defendant has represented to the undersigned counsel for Plaintiffs that, to the best of their knowledge, no such efforts are underway;

WHEREAS, the undersigned counsel for Defendant acknowledges public reports that the Government of India, prior to the commencement of this action, has been seeking to privatize Defendant;

WHEREAS, Defendant agrees that by entering into this stipulation, Plaintiffs should not be precluded from applying to this Court or any other court for relief to preserve their ability to enforce any judgment that may be rendered in this action;

WHEREAS, Plaintiffs consent to a 45-day extension to August 30, 2021 for Defendant to answer, move, or otherwise respond to the Complaint, without prejudice to Defendant's ability to seek a further extension on consent or by motion;

WHEREAS, this is Defendant's first request for an extension of time to answer, move, or otherwise respond to the Complaint;

WHEREAS, an initial pretrial conference in accordance with Rule 16 of the Federal Rules of Civil Procedure has been scheduled for September 2, 2021 [Dkt. No. 9];

WHEREAS, Plaintiffs and Defendant have agreed to jointly request that the Court adjourn the initial pretrial conference for at least 45 days;

WHEREAS, the requested extension will not affect any other scheduled dates;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the parties:

1. The time for Defendant to answer, move, or otherwise respond to the Complaint is hereby extended from July 16, 2021 to August 30, 2021.

2. The initial pretrial conference in accordance with Rule 16 of the Federal Rules of Civil Procedure scheduled for September 2, 2021, is hereby adjourned at least 45 days to a date and time to be provided by the Court.

3. Nothing in this Stipulation and Proposed Order shall prejudice any party's ability to move for, or otherwise seek, relief prior to Defendant's time to answer, move, or otherwise respond to the Complaint (*i.e.*, August 30, 2021).

4. Nothing in this Stipulation and Proposed Order shall prejudice Defendant's ability to seek, on consent or by motion, a further extension of time to answer, move, or otherwise respond to the Complaint.

5. Nothing in this Stipulation and Proposed Order shall constitute Defendant's consent to jurisdiction or operate as a waiver of any jurisdictional defenses, including Defendant's sovereign immunity, or any right or privilege under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602-1611, or any other applicable law.


6. Nothing in this Stipulation and Proposed Order shall prejudice Plaintiffs' ability to apply to this Court or any other court for relief to preserve their ability to enforce any judgment that may be rendered in this action.


DATED: New York, NY
July 14, 2021

Respectfully submitted,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

HOLWELL, SHUSTER & GOLDBERG LLP

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*Counsel for Claimants Cairn Energy PLC
and Cairn UK Holdings Limited*

Counsel for Defendant Air India, Ltd.

The initial pretrial conference currently scheduled for September 2, 2021 is adjourned to October 28, 2021 at 10:00 a.m.**

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written in a cursive style.

Paul G. Gardephe
United States District Judge

Dated: July 16, 2021

** The parties are directed to dial 888-363-4749 to participate, and to enter the access code 6212642. The press and public may obtain access to the telephone conference by dialing the same number and using the same access code. The Court is holding multiple telephone conferences on this date. The parties should call in at the scheduled time and wait on the line for their case to be called. At that time, the Court will un-mute the parties' lines. Seven days before the conference, the parties must email Michael_Ruocco@nysd.uscourts.gov and GardepheNYSDChambers@nysd.uscourts.gov with the phone numbers that the parties will be using to dial into the conference so that the Court knows which numbers to un-mute. The email should include the case name and case number in the subject line.